

**A P P R O V E D**  
**THE VIRGINIA BOARD OF SOCIAL WORK**  
**MINUTES**  
**FRIDAY, APRIL 7, 2006**

The Virginia Board of Social Work ("Board") meeting was convened at 10:00 a.m. on Friday, April 7, 2006 at the Department of Health Professions, 6603 West Broad Street, Richmond, Virginia. Valerie Carter-Williams, Chair, called the meeting to order.

**BOARD MEMBERS PRESENT:** Valerie Carter-Williams  
David R. Boehm  
Charles R. Chambers  
Willie T. Greene, Sr.  
Wayne A. Martin  
Catherine L. Moore

**BOARD MEMBERS ABSENT:** Jill Smeltzer

**STAFF PRESENT:** Robert Nebiker, Director  
Sandra Ryals, Deputy Executive Director  
Evelyn B. Brown, Executive Director  
Benjamin Foster, Deputy Executive Director  
Howard Casway, Senior Assistant Attorney General  
Elaine Yeatts, Senior Policy Analyst  
Faye Lemon, Director of Enforcement  
Sammy Johnson, Deputy Director, Enforcement  
Shannon Robeson, Intake Specialist, Enforcement  
Pamela Twombly, Regional Enforcement Manager  
Anne Joseph, Deputy Director, APD  
Rachel Welch, Adjudication Specialist  
Peter Opper, LCSW, Adjudication Specialist  
Arnice N. Covington, Administrative Assistant

**OTHERS PRESENT:** Debra Riggs, Executive Director, NASW  
Mark O'Shea, Government Liaison, Virginia  
Clinical Society  
Elizabeth Lowe, LCSW, Richmond

**INTRODUCTIONS**

Ms. Carter-Williams, Chair of the Board, invited visitors to introduce themselves.

## **ORDERING OF AGENDA**

Ms. Carter-Williams opened the floor to any changes in the agenda order. The agenda was accepted as submitted.

## **PUBLIC COMMENT**

Ms. Carter-Williams opened the floor to comment from the public. Debra Riggs, Executive Director, Virginia Chapter of the National Association of Social Workers, advised that the Association planned to introduce legislation regarding title protection and levels of licensure at the 2007 session. Mark O'Shea, representing the Virginia Clinical Society, also commented regarding the legislation.

## **APPROVAL OF MINUTES**

A motion was made by Mr. Boehm to accept the minutes of December 16, 2005 with the noted correction to the middle initial of Mr. Chambers. The motion was seconded and passed unanimously.

## **ROBERT A. NEBIKER, Director of DHP**

Mr. Nebiker stated that HB 1146 has not yet been signed by the Governor, even though it is expected that he will sign it. The Bill will add two new clinical social workers to the Board. He discussed HB 1146 and advised that the Board has been charged with doing a Study. Mr. Nebiker further indicated that there is no established time frame regarding the Study. He said that it was not a requirement that the Board report its findings back to the General Assembly, however, he would suggest that the Board do so.

Mr. Nebiker stated that the Board does not have specific definitions in Statute regarding the licenses and what job duties a particular license entitles a licensee to perform.

Mr. Nebiker suggested that the Board develop a work plan which would include all "interested" groups. He also suggested contacting Association of Social Work Boards regarding their job analysis on the various licenses to assist in defining scopes of practice.

It is expected that an update can be given at the July 14, 2006 Board Meeting.

## **REGULATORY COMMITTEE UPDATE – Wayne Martin and Ben Foster**

Mr. Martin and Mr. Foster reviewed the discussions of the Regulatory Committee Meeting which took place on March 3, 2006.

Following discussion Mr. Martin advised that the Regulatory Committee would like to recommend that the Board of Social Work withdraw the NOIRA on the proposed changes to the Standards of Practice. Mr. Greene moved that the Board of Social Work accept the Recommendation of the Regulatory Committee and withdraw the NOIRA on

the proposed changes to the Standards of Practice. The motion was seconded and passed unanimously.

Following discussion Mr. Martin advised that the Regulatory Committee would like to recommend that the Board of Social Work withdraw the NOIRA on the proposed changes to the Examination Schedule for Bachelors Social Workers. Mr. Greene moved that the Board of Social Work accept the Recommendation of the Regulatory Committee and withdraw the NOIRA on the proposed changes to the Examination Schedule. The motion was seconded and passed unanimously.

Ms. Brown commented that the Board Office has received several complaints regarding trainees' practicing social work without a license. Mr. Martin stated that the Regulatory Committee discussed the issue at its meeting and requested an opinion from Board Counsel. In the meantime the Committee had been notified that Board Counsel had advised Staff that there was nothing in the Board's Regulations to prevent trainees from soliciting clients and billing as long as they do not hold themselves out as "licensed" and are under registered supervision. Following discussion the matter was referred back to the Regulatory Committee for further review.

#### **CHAIR'S REPORT – Valerie Carter-Williams**

##### Discipline Committee – Valerie Carter-Williams

Ms. Carter-Williams reported that the Board currently has 13 complaints in Investigation. There are seven (9) cases at Board Level. One (1) Informal has been held since the last Board Meeting (December 16, 2005).

Ms. Carter-Williams asked for a motion to go into Executive Session to discuss the Consent Order of Rocky Farmartino.

Mr. Boehm moved that the Board of Social Work convene a closed meeting pursuant to Section 2.2-3711(A)(28) of the *Code of Virginia* for the purpose of discussion and deliberation regarding the Consent Order of Rocky Farmartino. Additionally, Mr. Boehm moved that Ms. Brown, Mr. Casway, Mr. Foster, Ms. Ryals, and Ms. Covington attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations. The motion was seconded and carried.

The Committee reconvened in open session.

Mr. Boehm moved that the Board certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom on Information Act and only such public business matters as were identified in the motion by which the Closed Meeting was convened. The motion was seconded and carried.

Following discussion, Mr. Boehm moved to accept the Consent Order for the suspension of Rocky Farmartino's license effective April 7, 2006. The motion was seconded by Mr. Greene and passed unanimously.

### **CREDENTIALS – Evelyn Brown and Arnice Covington Part-time Applicants**

Ms. Brown advised that the Boards within the Department will be limited to sending one (1) person to each out of state conference, in most cases. The Directive from Mr. Nebiker has not yet been published but it is expected shortly.

Ms. Brown suggested that Board Members be proactive when making any presentation to any organization. The Board Member should notify her when an invitation is received to speak as a representative of the Board so that staff can assure that updated materials and information are provided by the Department.

Ms. Brown and Ms. Covington discussed recent problems regarding applicants who have not met the requirement of completing supervision in no less than two years and no more than four years. They noted that some applicants have taken up to 10 years to complete the process and still do not meet the requirements and, some applicants worked part-time but were not working enough hours to meet the requirement of 15 hours of client contact per week.

Following discussion the Board indicated the need to make the Supervisor more accountable in the supervision process. Ms. Carter-Williams indicated that Supervision was on the list for review by the Regulatory Committee.

### **OVERVIEW OF INVESTIGATIVE PROCESS – Faye Lemon, Director of Enforcement**

Ms. Lemon introduced staff members who work with the Board of Social Work. Each staff member gave an explanation of their role in the investigative process. Ms. Lemon gave a presentation regarding the complaints overall for the agency and the various boards within the agency. She explained the ranking process for complaints and the role that the investigator has in receiving information to formulate a thorough investigation. She noted that investigators are careful not to present opinions on the information received, that being the role of the Board.

### **DISCIPLINE TRAINING – Howard Casway, Sr. Assistant Attorney General**

Mr. Casway reviewed two (2) recent cases whereby, based on reading the Consent Orders, the action taken by the Informal Conference Committee seemed more stringent in one case than the other. The alleged violations appeared, on paper, to be somewhat similar. Mr. Casway advised that the Board should be able to provide justification for the decisions they make. Following discussion Ms. Carter-Williams and Mr. Boehm,

Informal Committee members, explained their rationale for the sanctions imposed in the two (2) cases referenced.

**NEW BUSINESS:**

Ms. Carter-Williams advised the Board that she would not seek reappointment to the Board when she completes her first term June 30, 2006.

**OLD BUSINESS:**

**REQUEST FOR REGULATORY AMENDMENT – Kevin S. Doyle, Ed.D.**

Dr. Kevin Doyle, Chair of the Board of Counseling, requested that the Board consider allowing a portion of required supervision hours for trainees seeking licensure as clinical social workers to be provided by a professional counselor. Dr. Doyle requested that the Board consider a reciprocal agreement between the two boards and a regulatory change. The matter was referred to the Regulatory Committee.

Mr. Martin advised that the Regulatory Committee recommends that supervision can best be provided by Clinical Social Workers and that the request of the Board of Counseling be denied. Following discussion Mr. Greene moved to accept the recommendation of the Regulatory Committee. The motion was seconded and passed unanimously. Staff will notify Dr. Doyle.

**ADJOURNMENT:**

There being no further business to come before the Board the meeting adjourned at 1:30 p.m.

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Valerie Carter-Williams, Chair

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Evelyn B. Brown, Executive Director